REMARKS

Drawings. Replacement drawing sheets are submitted herewith. It is respectfully submitted that no new matter has been added.

Claims / Corresponding Foreign Application. All prior claims have been canceled, and new claims 101-108 submitted. Claims 101-108 correspond to the claims of European Patent EP 1718516 B1, which claims common priority with this application of PCT/NZ2005/000024. In the Response to Restriction Requirement submitted 2010 September 08 it was mentioned that claims were allowed in the corresponding European application and that proposed claims amendments and a Supplemental Information Disclosure Statement would be submitted in due course when further information was received from the foreign counsel that was instructing the undersigned counsel. However, a substantive Office Action issued in this application before the information was received and could be processed and submitted to the U.S. Patent and Trademark Office. Nevertheless, it is respectfully noted that the same art is of record in the present application as in the corresponding European application. To facilitate prosecution, submitted herewith as addendums to this response are a copy EP 1718516 B1 and relevant excerpts from its prosecution.

Claim Rejections. 35 U.S.C. § 112. New claims 101 to 108 do not use the terms “rider’s arms” or the phrase “when the rider removes their arms from the arm rest.” Instead, the term “body part” is now used in the claims to replace the term “arms,” which, read in light of the specification, clarifies that in the large majority of cases the body part of the rider will be the arm. The term “arm rest” is not utilized in the new claims. Instead the term “support member” is used. Again, this removes any ambiguity of the claims due to differences in the human anatomy.

Claim Rejections. 35 U.S.C. § 102. It is respectfully submitted that new Claims 101 to 108 are patentable over US Patent Publication 2003/0089191 A1 (Nielsen) and the prior art in general. In addition to the remarks herein, the Examiner's attention is respectfully directed the corresponding European Patent prosecution history, specifically the EPO examination report of 28 March 2008, which based objections on Nielsen, and Applicant's response that led to grant of EP 11718516 B1 with claims that correspond to the present claims.

Nielsen Does Not Teach Independently Adjustable Handlebars. While the Office Action references paragraph [0037] and Figures 1 and 2 of Nielsen as allegedly disclosing handlebars that are independently adjustable, Nielsen teaches away from this feature. There are numerous references in Nielsen teaching that the handlebars are moved in unison together and are not independently adjustable. For instance, the abstract reads:

> The assembly includes me*ans* ***for assuring that the two handlebars will move in unison*** *with one another relative to a central support*

[***emphasis added***].

This statement is also reiterated in paragraph [0041]. Thus, ***handlebar movement in unison is an essential feature of Nielsen***.

In contrast, a key feature of the current claims (and those previously presented) is that the handlebars are independently transferable between the two positions.

It is respectfully submitted that paragraph [0037] of Nielsen, while potentially misleading, does not state that the handlebars move independently. As discussed throughout Nielsen, the handlebars are free to move together due to their release using a locking mechanism, and such movement of the handlebars is **in unison**. This is very different from the present invention in which each single handlebar is releasably lockable and movable independently to the other handlebar. This has significant advantages over Nielsen, discussed further below.

Nielsen's mechanism is clearly intended for handlebars that only move in unison. If Nielsen had intended to provide an option for the bars to be moved independently, a separate locking means for each side should have been disclosed as opposed to the single locking pin that releases both sides at the same time to permit movement in unison. This is because it is well known that a rider must be provided with a positive means to steer and control a bike with at least one hand at all times. If the two sides are not linked by gears, belts, friction or a similar means, release of the locking pin as disclosed by Nielsen would set both handles free to move independently of each other, as well as the steering function, with potentially disastrous consequences to steering ability.

The inventor of the present invention has considerable relevant technical background, and is an experienced cyclist involved with the innovative development of aero bars. Given his understanding of Nielsen's disclosure and the field in general, he comments as follows:

> In order for a rider to be able to operate pivoting handlebars independent of each other safely while in motion, the steering apparatus **must** include the following features:
>
> The rider must be able to control the bicycle with at least one "half handlebar" secured by a releasable lock at all times. The process of operation needs to be capable of following a sequence:
>
> a) The rider releases one "half handlebar" and moves it to a new position while maintaining steering and balance control with the other hand using the other 'half handlebar' that is still locked in the original position.
>
> b) Once the original "half handlebar" has locked into the new position the rider controls steering and balance with it while releasing the other "half handlebar" and transferring it also to lock in the new position.
>
> In order to achieve the above process a steering apparatus must include separate locking means that also has separate means of release able to be operated from one side and then the other.
>
> The Nielsen design has only one locking means which releases or secures both sides in unison.

> For argument's sake, if Nielsen did leave the rider with two loose handles, neither handlebar could provide positive steering control and would be highly dangerous.
>
> However, and as Nielsen clearly discloses, if the two handles are linked to always ensure they move in unison only then will they also provide a rider with full steering control throughout the movement between riding positions, and the single locking means be adequate for its purpose. However, Nielsen's design of handlebars which move in unison has significant disadvantages and limitations which may be overcome in the present invention."

As previously highlighted in the prosecution of this application, the capability of the present invention to provide independent movement of the two handlebars has significant advantages that are not taught or suggested by Nielsen.

To illustrate the inventor's discussion of the advantages of the present invention (and as discussed thoroughly throughout the specification as filed) a rider may choose at any time, between transferring the handlebars independently, or in unison. If a rider is learning to use the handlebars, the rider may prefer to transfer one handle at a time so that they always have at least one hand controlling the steering. However, after gaining confidence and skill, the rider may prefer to operate the bars in unison, for example in at least one direction especially useful during a race.

Also, the present invention also provides the ability of the rider to improve safety. This is because the rider may have full time access to the controls as the controls mounted on each handlebar portion are in contact with the rider's hands. Therefore, as each handlebar portion is moved separately, the rider always has one hand on the controls. This feature and its advantages are not disclosed by Nielsen.

An important advantage of independently moveable handle bars is the fact that they provide brake and gear control in both positions.

Also, the present invention provides a system whereby a rider may effect the two positions while still having an immediate access to gear change and

brake levers. As one handlebar is being moved between positions, the other hand of the rider is always positioned by a brake and gear control.

All riders of bicycles quickly develop the skill of controlling their bike with either hand while using the other for a multitude of operations such as taking a drink, hand signals, minor adjustments to clothing or on board computers or cable settings etc. Therefore it is logical to adopt this skill while transferring between riding positions, as is also the method of fixed handle / aero bar combinations.

The feature and advantages (some of those as highlighted above) of providing handlebars that move independently from one another are discussed at great length throughout the specification. The Applicant reiterates that this feature is not disclosed nor suggested by Nielsen. More so, someone skilled in the art would not be motivated to arrive at the present invention after reading Nielsen because Nielsen clearly stipulates the importance of the two handlebars moving in unison. In view of the foregoing, it is respectfully submitted that applicant is entitled allowance of the pending claims, and the undersigned counsel requests that the Examiner telephone same should there be any matters that may be expedited thereby to facilitate grant of a patent.

Respectfully submitted,

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